

AMENDED IN SENATE APRIL 9, 2012

**SENATE BILL**

**No. 1464**

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**Introduced by Senator Lowenthal**

February 24, 2012

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An act to amend Sections 21460 and 21750 of, and to add Section 21750.1 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1464, as amended, Lowenthal. Vehicles: bicycles: passing distance.

(1) Under existing law, a driver of a vehicle overtaking another vehicle or a bicycle proceeding in the same direction is required to pass to the left at a safe distance without interfering with the safe operation of the overtaken vehicle or bicycle, subject to certain limitations and exceptions. A violation of this provision is an infraction punishable by a fine not exceeding \$100 for a first conviction, and up to a \$250 fine for a 3rd and subsequent conviction occurring within one year of 2 or more prior infractions.

This bill would recast this provision as to overtaking and passing a bicycle by requiring, *with specified exceptions*, the driver of a motor vehicle overtaking and passing a bicycle that is proceeding in the same direction on a highway to pass in compliance with specified requirements applicable to overtaking and passing a vehicle, and to do so at a safe distance that does not interfere with the safe operation of the overtaken bicycle, having due regard for the size and speed of the motor vehicle and the bicycle, traffic conditions, weather, and the surface and width of the highway. The bill would prohibit, *with specified exceptions*, the driver of the motor vehicle that is overtaking or passing a bicycle proceeding in the same direction on a highway from passing

at a distance of less than 3 feet between any part of the motor vehicle and any part of the bicycle or its operator. The bill would make a violation of this provision an infraction punishable by a \$35 fine. The bill would also require the imposition of a \$220 fine on a driver if a collision occurs between a motor vehicle and a bicyclist causing bodily harm to the bicyclist, and the driver is found to be in violation of the above provisions.

(2) Existing law prohibits a person from driving a vehicle to the left of double parallel solid lines, or double parallel lines, one of which is broken, except as provided. Notwithstanding that prohibition, existing law permits a driver to cross those double parallel lines if the driver is turning to the left at any intersection or into or out of a driveway or private road or making a U-turn under the rules governing that turn.

This bill would prohibit a person driving a vehicle from crossing over any part of any double parallel solid white lines except in the above situations or when entering or exiting designated areas of exclusive or preferential use lanes, as provided. The bill would permit a driver of a motor vehicle to cross double parallel lines in a substandard width lane, as described, to pass a person operating a bicycle in the same direction, if in compliance with a specified provision.

Because this bill would create a new crime and would expand the scope of an existing crime, this bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 21460 of the Vehicle Code is amended
- 2 to read:
- 3 21460. (a) If double parallel solid yellow lines are in place a
- 4 person driving a vehicle shall not drive to the left of those lines,
- 5 except as permitted in this section.

1 (b) If double parallel solid white lines are in place, a person  
2 driving a vehicle shall not cross any part of those double solid  
3 white lines, except as permitted in this section or Section 21655.8.

4 (c) If double parallel lines, one of which is broken, are in place,  
5 a person driving a vehicle shall not drive to the left of those lines,  
6 except as follows:

7 (1) If the driver is on the side of the roadway in which the broken  
8 line is in place, the driver may cross over the double lines or drive  
9 to the left of the double lines if the driver is overtaking or passing  
10 other vehicles.

11 (2) As provided in Section 21460.5.

12 (d) (1) The markings, as specified in subdivision (a), (b), or  
13 (c), do not prohibit a driver from crossing the markings, if either  
14 of the following applies:

15 (A) The driver is turning to the left at an intersection or into or  
16 out of a driveway or private road.

17 (B) The driver is making a U-turn under the rules governing  
18 that turn.

19 (2) The markings, as specified in subdivision (a), (b), or (c),  
20 shall be disregarded if authorized signs have been erected  
21 designating off-center traffic lanes as permitted under Section  
22 21657.

23 (e) Raised pavement markers may be used to simulate painted  
24 lines described in this section if the markers are placed in  
25 accordance with standards established by the Department of  
26 Transportation.

27 (f) (1) The driver of a motor vehicle in a substandard width  
28 lane on a two-lane highway may drive to the left of either of the  
29 markings specified in subdivision (a) or (c) to pass a person  
30 operating a bicycle proceeding in the same direction if in  
31 compliance with Section 21751.

32 (2) For purposes of this subdivision, a “substandard width lane”  
33 means a lane that is too narrow for a bicycle and a vehicle to travel  
34 safely side by side within the lane.

35 SEC. 2. Section 21750 of the Vehicle Code is amended to read:

36 21750. The driver of a vehicle overtaking another vehicle  
37 proceeding in the same direction shall pass to the left at a safe  
38 distance without interfering with the safe operation of the overtaken  
39 vehicle, subject to the limitations and exceptions set forth in this  
40 article.

1 SEC. 3. Section 21750.1 is added to the Vehicle Code, to read:  
 2 21750.1. (a) ~~The~~ *This section shall be known and maybe cited*  
 3 *as the “Three Feet for Safety Act.”*

4 (b) *The driver of a motor vehicle overtaking and passing a*  
 5 *bicycle that is proceeding in the same direction on a highway shall*  
 6 *pass in compliance with the provisions of this article applicable*  
 7 *to overtaking and passing a vehicle, and shall do so at a safe*  
 8 *distance that does not interfere with the safe operation of the*  
 9 *overtaken bicycle, having due regard for the size and speed of the*  
 10 *motor vehicle and the bicycle, traffic conditions, weather, and the*  
 11 *surface and width of the highway.*

12 ~~(b)~~  
 13 (c) *A driver of a motor vehicle shall not overtake or pass a*  
 14 *bicycle proceeding in the same direction on a highway at a distance*  
 15 *of less than three feet between any part of the motor vehicle and*  
 16 *any part of the bicycle or its operator.*

17 (d) *If the driver of a motor vehicle is unable to comply with*  
 18 *subdivision (c) of this section or paragraph (1) of subdivision (f)*  
 19 *of Section 21460 due to a substandard width lane, as defined in*  
 20 *paragraph (2) of subdivision (f) of Section 21460, or other traffic*  
 21 *or roadway conditions, the driver shall slow to a speed that is*  
 22 *reasonable and prudent, having due regard for the size and speed*  
 23 *of the motor vehicle and bicycle, traffic conditions, weather, and*  
 24 *surface and width of the highway, and pass at a distance of less*  
 25 *than three feet in a manner that does not endanger the safety of*  
 26 *the operator of the bicycle and that provides the maximum feasible*  
 27 *distance between the motor vehicle and the bicycle and its*  
 28 *operator.*

29 ~~(e)~~  
 30 (e) (1) *A violation of subdivision (a) is an infraction punishable*  
 31 *by a fine of thirty-five dollars (\$35).*

32 (2) *If a collision occurs between a motor vehicle and a bicycle*  
 33 *causing bodily injury to the bicyclist operator of the bicycle, and*  
 34 *the driver of the motor vehicle is found to be in violation of*  
 35 *subdivision (a), a two hundred twenty dollar (\$220) fine shall be*  
 36 *imposed on that driver.*

37 SEC. 4. *No reimbursement is required by this act pursuant to*  
 38 *Section 6 of Article XIII B of the California Constitution because*  
 39 *the only costs that may be incurred by a local agency or school*  
 40 *district will be incurred because this act creates a new crime or*

1 infraction, eliminates a crime or infraction, or changes the penalty  
2 for a crime or infraction, within the meaning of Section 17556 of  
3 the Government Code, or changes the definition of a crime within  
4 the meaning of Section 6 of Article XIII B of the California  
5 Constitution.

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